

ORDINANCE NO. 20080410-008

AN ORDINANCE AMENDING CHAPTER 13-1 RELATING TO AVIATION SERVICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 13-1 (*Definitions*) of the City Code is amended to add the following definitions and renumber the remaining definitions accordingly:

- (9) AIRPORT IDENTIFICATION MEDIA means the personnel identification media required by 49 Code of Federal Regulation Part 1542 (*Airport Security*) and the airport security program for unescorted access into the security identification display area of the Airport.
- (11) AIRPORT OPERATIONS SPECIALIST means an airport official with the authority and duties prescribed by Section 13-1-51 (*Airport Operations Specialist*).

PART 2. Section 13-1-33(A) (*Restrictions On Animals*) of the City Code is amended to read:

- (A) A person may not enter a terminal building or the air operations area with a dog or other animal, except:
 - (1) an animal used by a law enforcement officer or airport official in the officer's or official's performance of duties;
 - (2) a seeing-eye dog escorting a visually impaired person, or other animal being used for assistance to a disabled person; or
 - (3) an animal that is being delivered to, or picked up from, an air carrier for transportation.

PART 3. Chapter 13-1 (*Aviation Services*) of the City Code is amended to add Section 13-1-51 to read:

§ 13-1-51 AIRPORT OPERATIONS SPECIALISTS.

- (A) The director may employ one or more airport operations specialists. An airport operations specialist is not a peace officer under Texas Code of Criminal Procedure Article 2.12(12) (*Who Are Peace Officers*).

(B) An airport operations specialist may enforce the provisions of this chapter, the airport security program, and aviation law, except to the extent that the applicable law requires enforcement by a commissioned peace officer.

(C) An airport operations specialist may not arrest a person.

PART 4. Section 13-1-53 (*Obedience To Airport Police Required*) of the City Code is amended to read:

§ 13-1-53 OBEDIENCE TO [AIRPORT] POLICE AND AIRPORT OPERATIONS SPECIALIST REQUIRED.

A person commits an offense if the person recklessly or knowingly does not comply with an order or direction of a [an-airport] police officer or airport operations specialist.

PART 5. Section 13-1-54 (*Security Guards*) of the City Code is amended to add Subsection (E) to read:

(E) Before a person may work at the airport as a security guard, the person must pass a full security background check and security threat assessment, in accordance with the airport security program and applicable aviation law.

PART 6. Section 13-1-55 (C) (*Control Of Personal Property Required*) of the City Code is amended to read:

(C) Except as provided under Section 13-2-60 (*Disposition of Abandoned Property*) of the Code, a person who finds lost or abandoned property shall deposit the item with or report it to an [the] airport official or police officer.

PART 7. Section 13-1-57 (*Aircraft Impound Authorized; Notice*) of the City Code is amended to amend Subsections (A) and (B) to read:

(A) An airport official or ~~[airport]~~ police officer may impound an aircraft that:

(1) the official or officer determines is in violation of this chapter or otherwise unsafe to operate because of a mechanical or equipment defect or deficiency, unless the aircraft is in the process of repair to correct the defect or deficiency; or

(2) the impound is necessary to protect public safety.

(B) The airport official or ~~[airport]~~ police officer impounding an aircraft shall give the owner or operator written notice:

(1) of the circumstances of the impoundment;

- (2) that a request for a hearing to determine whether the aircraft should remain impounded must be made to the director not later than the third day after receipt of the notice;
- (3) that the owner of the aircraft is responsible for all impound charges and costs incurred by the City, including the cost to provide notice and storage fees.

PART 8. Section 13-1-81 (*Airport Security Program*) of the City Code is amended to amend Subsection (B) and add Subsection (D) to read:

- (B) If a penalty is assessed against the City by the Federal Aviation Administration or Transportation Security Administration because a tenant or person who has been issued airport identification media has failed to comply with the airport security program, the director shall assess the same penalty against the tenant or person.
- (D) The operations and security division of the department has primary responsibility for enforcement of the airport security program.

PART 9. Section 13-1-82 (*Identification Card Display Required*) of the City Code is amended to read:

§ 13-1-82 AIRPORT IDENTIFICATION MEDIA [~~CARD~~] DISPLAY REQUIRED.

- (A) A person may not enter or remain in a security identification display area or air operations area unless the airport [~~an~~] identification media issued to the person by the department is continuously displayed as prescribed by aviation law and the airport security program. A person shall produce the airport identification media on demand of an airport official or a police officer.
- (B) A crew member shall be in uniform and wear identification media issued by the air carrier as prescribed by aviation law. Identification must be worn by the crew member to whom it was issued. A crew member who possesses only air carrier issued identification may not escort a visitor into or on the air operations area, security identification display area, a sterile area, or a restricted area.
- (C) It is an affirmative defense to prosecution under this section that the person charged is:
 - (1) under escort by an authorized person wearing identification media issued by the director;

- (2) an employee of the Federal Aviation Administration carrying a 110A form official identification card issued to the person by the agency;
 - (3) an employee of the Transportation Security Administration carrying an official inspector identification card issued to the person by the agency;
 - (4) a passenger under authorized supervision within an air operations area, security identification display area, or sterile area for the purpose of enplaning or deplaning; or
 - (5) a flight crew or cabin crew member of a United States certified air carrier and is in one of the following portions of the air operations area or security identification display area:
 - (a) the immediate vicinity of the aircraft to which the crew members are assigned;
 - (b) a flight crew operations or flight office, or its equivalent; or
 - (c) a point on the most direct route between the door leading to the air operations area or security identification display area and the flight crew's operations or flight office and assigned aircraft.
- (D) A person issued an airport identification media [~~card, badge~~], key, [~~vehicle-top cap,~~] decal, or other access media shall report the loss or destruction of the media to the airport operations and security division [~~police~~] immediately on discovery of the loss or destruction. A person may not use or display media that has been reported lost or destroyed, or that was issued to another person. Airport identification media is the property of the department. Airport identification media must be surrendered by the person to whom it is issued immediately upon the termination of the person's employment at the airport.
- (E) A person possessing a properly issued airport identification media, and who has been granted escort authority, [~~card~~] may escort a visitor into a secured area, security identification display area, sterile area, or restricted area as prescribed by the airport security program. An escort is responsible for the conduct of, and shall maintain actual control over, a person under escort.

PART 10. Section 13-1-115(B) (*Parking Restricted*) of the City Code is amended to read:

- (B) A person may not park a motor vehicle in a public area of airport property except:
 - (1) at a place and in a manner expressly authorized by the director;

- (2) as directed by a police officer[, ~~security and ground transportation controller,~~] or an airport official;
- (3) in compliance with official posted signs or markings; or
- (4) in a marked parking stall at a parking meter with paid time remaining on the meter.

PART 11. Section 13-1-133(B) (*Driver's License Required*) of the City Code is amended to read:

- (B) A person shall display the person's driver's license on demand by a [an airport] police officer or airport official.

PART 12. Section 13-1-151(A) (*Ready Stand Use*) of the City Code is amended to read:

- (A) Unless directed otherwise by a [~~security and ground transportation controller or airport~~] police officer or airport official, the operator of a ground transportation vehicle may only stop, stand, park, load passengers, or wait to be hired in a ready stand or other designated area.

PART 13. Section 13-1-152(A) (*Ground Transportation Staging Area*) of the City Code is amended to read:

- (A) A person operating a courtesy vehicle or ground transportation vehicle awaiting space in a ready stand shall park in the ground transportation staging area, except as otherwise directed by a [~~security and ground transportation controller or airport~~] police officer or airport official.

PART 14. Section 13-1-153 (*Removal Of Vehicle From Service*) of the City Code is amended to read:

§ 13-1-153 REMOVAL OF A VEHICLE FROM SERVICE.

- (A) A [An airport] police officer or airport official [~~security and ground transportation controller~~] shall require the driver or operator of an unsafe courtesy vehicle or ground transportation vehicle to remove the vehicle from service.
- (B) If a courtesy vehicle or ground transportation vehicle is determined to be unsafe by airport personnel, a person may not operate the vehicle on airport property until:
 - (1) the vehicle is accepted as safe by the director; and

- (2) the director notifies the airport operations and security [~~police~~] division of the acceptance.

PART 15. Section 13-1-154 (*Authority of Security And Ground Transportation Controller*) of the City Code is amended to read:

§ 13-1-154 AUTHORITY OF AIRPORT OPERATIONS SPECIALIST AND SECURITY AND GROUND TRANSPORTATION CONTROLLER.

- (A) A security and ground transportation controller may not arrest a person.
- (B) A security and ground transportation controller or airport operations specialist may issue a notice of violation to:
 - (1) the operator of a courtesy vehicle or ground transportation vehicle;
 - (2) a person who stops, stands, or parks a motor vehicle at the airport in violation of this chapter, Chapter 12-5 (*Stopping, Standing, and Parking*) of the Code, or Subchapter G (*Stopping, Standing, and Parking*) of Chapter 545 (*Operation and Movement of Vehicles*) or Chapter 681 (*Privileged Parking*) of the Texas Transportation Code.
- (C) A security and ground transportation controller or airport operations specialist issuing a notice of violation shall:
 - (1) deliver a copy to the municipal court; and
 - (2) place a copy of the notice prominently displayed on the vehicle;
 - (3) give a copy of the notice to the operator of the vehicle; or
 - (4) mail a copy of the notice to the registered owner.
- (D) A security and ground transportation controller or airport operations specialist may issue a notice of violation under Chapter 13-2 (*Ground Transportation Passenger Services*) of the Code.
- (E) A notice of violation under this section shall include:
 - (1) the city and state registration numbers of the vehicle;
 - (2) the date, location, approximate time and a description of the violation;
and
 - (3) if available, the identity of the operator.

PART 16. Section 13-1-155 (*Compliance With Security And Ground Transportation Controller's Directions Required*) of the City Code is amended to read:

§ 13-1-155 COMPLIANCE WITH DIRECTIONS OF SECURITY AND GROUND TRANSPORTATION CONTROLLER AND AIRPORT OPERATIONS SPECIALIST [~~CONTROLLER'S DIRECTIONS~~] REQUIRED.

(A) The operator of a courtesy vehicle or ground transportation vehicle shall:

- (1) immediately comply with the directions of a security and ground transportation controller or airport operations specialist [~~controller's instructions~~] relating to loading, parking, and movement of the vehicle; and
- (2) permit inspection of the vehicle by a security and ground transportation controller, airport operations specialist, or police officer for compliance with Chapter 13-2 (*Ground Transportation Passenger Services*) of the Code if the vehicle is located at the airport.

(B) A person operating a motor vehicle at the airport shall comply with the directions of a security and ground transportation controller or airport operations specialist related to loading, unloading, parking, stopping, and standing at the airport.

PART 17. Section 13-1-202(B) (*Denial Of Access To Airport*) of the City Code is amended to read:

- (B) A person commits an offense if the person remains on airport property after receiving notice from a [an airport] police officer or airport official [~~the director~~] to leave the property.

PART 18. This ordinance takes effect on April 21, 2008.

PASSED AND APPROVED

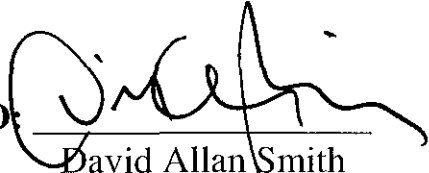
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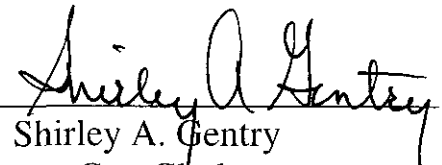
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk